

# CITY COUNCIL AGENDA

**MAY 14, 2002**

## SYNOPSIS

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

- **Call to Order and Roll Call**  
**9:30 a.m. Closed Session, Room 600, City Hall**  
**Absent: Council Members Dando, Shirakawa, Jr., Williams**  
**(all excused)**  
  
**1:30 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent Council Members: None.**
- **Invocation (District 5)**  
**Grupo Folklorico de James Lick, performed “Como me lo pongan lo brinco”**  
**for the invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring May “Stroke Awareness Month.” (Dando)  
(Rules Committee referral 5/8/02)  
**Joining Mayor Gonzales at the podium was Council Member Dando who spoke about her personal experience in November 2001 with brain attacks and presented the proclamation announcing May as “Stroke Awareness Month”.**
- 1.2** Presentation of a proclamation declaring the week of May 12-18, 2002 as “National Historic Preservation Week.” (LeZotte)  
(Rules Committee referral 5/8/02)  
**Joining Mayor Gonzales at the podium was Council Member LeZotte who introduced Landmark Commissioners Michael Youmans, Marti Wachtel and Patricia Curia and Ellen Garboske from PAC SJ.**
- 1.3** Presentation of a commendation to San José Conservation Corps on occasion of their 15<sup>th</sup> Anniversary and for their contribution to the community. (Campos/LeZotte)  
(Rules Committee referral 5/8/02)  
**Joining Mayor Gonzalez at the podium were Council Members Campos and LeZotte who introduced 2 members of the San Jose Conservation Corps.**

# 1 CEREMONIAL ITEMS

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- 1.4 **Fire Chief Manuel P. Alarcon introduced 10 Fire Fighters from Belgium visiting San Jose to learn about the fire fighting methods and apparatus, exchange ideas and ride along with the fire fighters for a first hand view of the national recognized public safety services. Mayor Gonzales was presented with a plaque from Filip Van Acker, a representative of the Belgium Fire Fighters and a member of the Belgium Fire Observers, a non-profit organization.**

# 2 CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of October 30, 2001

**Approved.**

- (b) Joint Council/Redevelopment Agency Board meeting of October 30, 2001

**Approved.**

## 2.2 Final adoption of ordinances.

**None.**

## 2.3 Approval of an ordinance to limit the time to apply for disability retirement from the Police and Fire Department Retirement Plan.

**Recommendation:** Approval of an ordinance amending Section 3.36.920 of Chapter 3.36 of Title 3 of the San José Municipal Code to limit the time in which a member may apply for disability retirement from the Police and Fire Department Retirement Plan after separation from City service. (Board of Administration for the Police and Fire Department Retirement Plan)

**Ordinance No. 26633 passed for publication.**

## 2.4 Approval of an agreement for artwork for the Blossom Hill Branch Library.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and artist Deborah Mersky to fabricate and install an artwork for the Blossom Hill Branch Library, in an amount not to exceed \$124,621. CEQA: Exempt, PP02-04-067. Council District 10. (Conventions, Arts and Entertainment)

**Resolution No. 70967 adopted.**

## 2 CONSENT CALENDAR

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### 2.5 Approval of an agreement for engineering and technical support services for the Water Pollution Control Plant.

**Recommendation:** Approval of a continuation agreement with Brown and Caldwell for engineering and technical support services, extending the term of the agreement from January 31, 2002 to December 31, 2002, at no additional cost to the City.  
(Environmental Services)

**Approved.**

### 2.6 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #33, and authorization for the Director of General Services to execute the purchase orders. (General Services)

**Approved.**

### 2.7 Approval to purchase a customer self-service checkout system for the Library.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute a second amendment to the agreement with Minnesota Mining and Manufacturing Company (3M) for the purchase of fifteen additional 3M self-check systems at a total additional cost of \$322,314.37, including tax and installation. (General Services)

**Resolution No. 70968 adopted.**

### 2.8 Approval of various actions related to the City's Pay Plan.

**Recommendation:** Adoption of a resolution:

- (a) Amending the City of San José Pay Plan to delete various obsolete job classifications.
- (b) Amending the City of San José Pay Plan to change salary ranges for the classifications of Deputy City Attorney U (2150), Division Manager (8074), Environmental Inspector Assistant (5226), Land Surveyor (3875), Principal Planner (4126), Redevelopment Program Manager (4232), Senior Deputy City Attorney U (2153), and Senior Deputy City Attorney (2196).  
(Human Resources)

**Resolution No. 70969 adopted.**

## 2 CONSENT CALENDAR

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### 2.9 Approval to petition support for the detachment from the City of San José.

**Recommendation:** Adopt and transmit a resolution to the Local Government Formation Commission indicating that the City of San José does not oppose the reorganization of territory involving detachment of a portion of property located at 327 Casa Loma Road from the City of San José to the County of Santa Clara and authorizing the Director of Planning, Building, and Code Enforcement to execute a waiver of protest proceedings related to this detachment for LAFCO. (Planning, Building and Code Enforcement)

**Resolution No. 70970 adopted.**

### 2.10 Approval of a Contract Change Order for the Fourth Major Interceptor Project (Phase V/VA).

**Recommendation:** Approval of Contract Change Order No. 6 with Mountain Cascade, Inc., for the Fourth Major Interceptor Project (Phase V/VA) in the amount \$120,464.38, for a total contract amount of \$22,057,242.58, and a time extension of three working days, for a total of 376 working days. CEQA: Resolution No. 60197, PP97-10-213. Council District 4. (Public Works)

**Approved.**

### 2.11 Approval to award a contract for the Story Road and Lido Way Sidewalk Replacement Project (King Rd. - McCreery Ave.).

**Recommendation:** Report on bids and award of contract for the Story Road and Lido Way Sidewalk Replacement Project (King Rd. - McCreery Ave.) to the low bidder, Golden Bay Construction, Inc., in the amount of \$336,177, and approval of a contingency in the amount of \$17,000. CEQA: Exempt, PP02-01-006. Council District 5. SNI: East Valley/680 Communities. (Public Works)

**Approved.**

### 2.12 Rejection of proposals for Legal Practice Management Software.

**Recommendation:** Reject all proposals for Legal Practice Management software, and authorize the Director of General Services to negotiate an agreement with a software vendor. (General Services/City Attorney's Office)  
(Rules Committee referral 5/8/02)

**The recommendation to reject all proposals was approved and the negotiation of an agreement authorized.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session – November 5, 2001

**Mayor Gonzales, Chair**

- (a) Airport Improvement Program  
**Council Accepted the Staff presentations on the revised San Jose International Airport Terminal Concept and the implications of terminal square footage limitations for customer services at the Airport.  
The Report of the November 5, 2001 Study Session was accepted.**

#### 3.2 Report of the Rules Committee – May 1, 2002

**Vice Mayor Shirakawa, Jr., Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**
- (b) City Council
  - (1) Review May 14, 2002 Draft Agenda  
**The Committee recommended approval of the May 14, 2002 City Council Agenda.**
  - (2) Add New Items to May 7, 2002 Agenda  
**The Committee recommended five additions to the May 7, 2002 City Council Agenda.**
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee  
**None Filed.**
    - (b) Economic Development and Environment Committee  
**The Committee recommended deferring from May 6, 2002 to June 3, 2002, agenda Item “c” entitled, *Interim Report on implementation efforts of Green Building Policies (Environmental Services.)***
    - (c) Education, Neighborhoods, Youth, and Seniors Committee  
**None Filed.**
- (d) Meeting Schedules  
**The Committee recommended cancellation of the May 15, 2002 Rules Committee meeting and directed the City Clerk to hold a Rules-in-Lieu meeting on that date.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – May 1, 2002 (Cont'd)**

**Vice Mayor Shirakawa, Jr., Chair**

- (e) The Public Record
  - (1) Response to Request by Pete Campbell  
**The Committee directed staff to attach the full text of any Commission resolution containing a recommendation to the City Council, to the staff report on that item; and the Committee noted and filed the Public Record dated April 10-16, 2002.**
- (f) Boards, Commissions and Committees  
**There were none.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**There were none.**
- (h) Administrative Reviews and Approval  
**There were none.**
- (i) Oral communications  
**Pete Campbell restated his concern that the Airport Commission's resolution regarding the issue of renaming the Airport was not fully stated on the Council agenda of November 6, 2001, thus misleading the public's understanding of options proposed by the Commission.**
- (j) Adjournment  
**The meeting was adjourned at 2:35 P.M.**

**The Rules Committee Report and actions of May 1, 2002 were accepted.**

#### **3.3 Report of the Finance and Infrastructure Committee**

**Council Member Dando, Chair**

**No Report.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of Stroke Awareness Training.

**Recommendation:** In recognition of May as National Stroke Awareness Month, approval of:

- (a) City of San José to provide education and public outreach through existing senior programs.
- (b) Fire Department to provide additional training to firefighters and paramedics as part of the ongoing Specialty Emergency Skills Training Program.
- (c) Fire Department to open this training to paramedics throughout Santa Clara County.

(Dando)

(Rules Committee referral 5/8/02)

**This Item was dropped.**

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair No Report.

#### 4.2 Adoption of a resolution authorizing staff to proceed with all actions necessary to begin construction of a new Civic Center.

**Recommendation:** Adoption of a resolution authorizing staff to proceed with all actions necessary to begin construction of a new Civic Center at the Fourth and Santa Clara Street site. CEQA: Resolution No. 68905. (City Manager's Office)

**Resolution No. 70971 adopted.**

**Noes: LeZotte, Reed.**

**Council approved the staff recommendation with the following additions:**

1. Approve the site at 4<sup>th</sup> Street and Santa Clara as the location of the new San Jose Civic Center.
2. Direct the City Manager to implement the additional cost savings measures outlined in Attachment A.
3. Authorize the City Manager to take the necessary steps to begin development of the new Civic Center, including releasing bid packages and initiating bond sales to proceed with acquisition and construction.
4. Direct the City Manager, City Attorney and City Clerk to have these actions recorded in the attached resolution for purposes of permanent display at the new facility.

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval of an agreement for the 60-Inch Brick Interceptor Replacement Project (Phase IB).**

**Recommendation:** Approval of an agreement with Brown and Caldwell for design services and construction support services for the 60-Inch Brick Interceptor Replacement Phase IB Project in an amount not to exceed \$2,079,100. CEQA: Exempt, PP02-04-088. (Public Works)

**Approved.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair**

**No Report.**

### **5.2 Approval of an agreement for the Gardner Community Center Project.**

**Recommendation:** Approval of the first amendment to the agreement with The Steinberg Group Architects for the Gardner Community Center Project to include design plans and specifications, increasing compensation by \$526,680, from \$70,000 to \$596,680, and extending the term of the agreement from December 31, 2002 to August 31, 2005. CEQA: Negative Declaration, PP01-11-206. Council District 3. SNI: Gardner/Atlanta. (Public Works)

**Approved.**

## **6 TRANSPORTATION SERVICES**

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## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## **8 AVIATION SERVICES**

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### **8.1 Approval of the Operating Agreement and Terminal Building Lease with Northwest Airlines, Inc.**

**Recommendation:** Approval of a third amendment to the Operating Agreement and Terminal Building Lease with Northwest Airlines, Inc. to extend the term from June 1, 2002 through November 30, 2007, and to revise insurance language to the City's current requirements, with projected total annual revenue to the City of \$570,000. CEQA: Resolution No. 67380, PP 02-04-082. (Airport)

**Approved.**

## 8 AVIATION SERVICES

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### 8.2 Approval to award a contract for the Security System Upgrades Project at the Airport.

**Recommendation:** Report on bids and award of contract for the Norman Y. Mineta San José International Airport - Security System Upgrades Project to the lowest responsive bidder, ADT Security Services, Inc., in the amount of \$2,899,533, and approval of a contingency amount of \$290,000. CEQA: Resolution No. 67380. (Public Works)  
**Approved.**

### 8.3 Approval of an agreement for the Automated People Mover Projects at the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Lea+Elliott, Inc. for consultant services for the Automated People Mover Projects at the Norman Y. Mineta San José International Airport in the amount of \$650,000, for a term from the date of execution through June 30, 2003. (Public Works/Airport)  
(Deferred from 4/30/02 – Item 8.1 and 5/7/02 – Item 8.1)  
**Resolution No. 70972 adopted.**  
**Staff directed to clarify in agreement the need for long-term parking.**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:  
**None.**  
  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:  
**None.**
- Open Forum  
**Under Orders of the Day, Pete Campbell spoke on Item 4.2 to oppose its appearing on the agenda until the staff analysis is complete.**

- **Adjournment**

**The Council of the City of San Jose adjourned at 4:35 P.M.**

## **JOINT REDEVELOPMENT AGENCY/COUNCIL**

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**4:40 P.M. Joint Session, Council Chambers, City Hall**

**Absent Council Members: None.**

**7.1 Approval of the transfer of the Agency's rights, title and interest in 648 Vine Street, a portion of a median strip, to the City.**

**Recommendations:** Adoption of a resolution by the City Council and Redevelopment Agency Board approving a Cooperation Agreement providing for the transfer of the Agency's rights, title and interest in 648 Vine Street, a portion of a median strip, to the City and authorizing the City Manager and Executive Director to execute all necessary documents to effect the transfer. CEQA: Resolution No. 68839 (MERGED)

**Resolution No. 70973 Adopted.**

**Redevelopment Agency Board Resolution No. 5279 Adopted.**